



THE WILDERNESS SOCIETY

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Docket Management System
Docket No. FAA 2004-17458
U.S. Department of Transportation
Room Plaza 401, 400 Seventh St., SW
Washington, D.C. 20590-0001

Re: Scoping comments for the Environmental Assessments on the Air Tour Management Plans for the Badlands National Park

The Wilderness Society (TWS), representing over 200,000 Americans nation-wide, is a not-for profit public interest membership organization headquartered in Washington, D.C. with eight regional offices. Founded in 1935, the Society and its members work to protect America's wilderness and to develop a nationwide network of wild lands through public education, scientific analysis, and advocacy. Our goal is to ensure that future generations enjoy the clean air and water, beauty, wildlife, and opportunities for recreation and spiritual renewal provided by the nation's pristine forests, rivers, deserts, and mountains. TWS has a long history of involvement and commitment to the protection and management of National Park System and the Wilderness within it. We appreciate this opportunity to submit our comments on the Notice of Intent to Prepare Environmental Assessments and Notice of Initiation of Public Scoping for the Badlands National Park.

TWS is concerned about the protection and preservation of natural sound in our National Parks and the Wilderness within these parks. Natural sound is a resource, a value to be appreciated. Our ability to hear undisturbed the sounds of nature is a resource that we must protect from impairment. There should be places where silence mingles with the whisper of the wind and one can reflect in solitude. Our National Parks are, in fact, such places.

Badlands National Park covers over 244,000 acres in southwestern South Dakota. The landscape is both beautiful and barren with its moon-like region surrounded by the largest prairie wilderness in the United States. Millions of years of wind and rain erosion have created chiseled spires, steep canyons, low-slung buttes and jagged ridges. The Park was designated, in great part, to protect one of the world's richest deposits of fossils from the Oligocene and Eocene epochs and to preserve the wilderness values of the Badlands. The wilderness area consists of roughly 64,000 acres or over 25% of the Park. The most endangered land mammal in North America, the Black-Footed Ferret, reside within the Park. Once thought to be extinct, now approximately 25 to 30 individual ferrets live within the boundaries of the

parks wilderness area. Numerous other species of wildlife can be found roaming freely throughout the park such as; Bison, pronghorn, mule deer, and bighorn sheep, coyotes, prairie dogs as well as eagles and hawks soaring overhead. Much of the parks acreage lies on the Pine Ridge Indian reservation that portion called the Stronghold Unit and is co-managed with the Oglala Sioux Tribe. Several areas within the Park of spiritual significance to the tribes including sites of 1890s Ghost Dances.

NPS' Mandate to Conserve Resources is Primary

The FAA must defer to the expertise of the NPS staff when determining commercial air tour impacts on national park visitors, resources, and values. This is because the National Parks Service's (NPS) mission is to protect parks and guarantee that visitor experience of the parks. Furthermore, for 88 years NPS has been mandated by the Organic Act, 16 U.S.C.1:

"...to promote and regulate the use of the...national parks...which purpose is to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations."

Furthermore, NPS Management Policies 2001 [1.4.6] states:

"The park resources and values that are subject to the non-impairment standard include: park's scenery, natural and historic objects, and wildlife, and the processes and conditions that sustain them, including to the extent present in the park: the ecological, biological, and physical processes that created the park and continue to act upon it; scenic features; natural visibility, both in daytime and at night; natural landscapes, **natural soundscapes** and smells; water and air resources; soils, geological resources, paleontological resources; archeological resources; cultural landscapes; ethnographic resources, historic and prehistoric sties, structures, and objects; museum collections; and native plants and animals.."

Moreover, Director's Order 47 articulates NPS' operational policies regarding the preservation of sound and the management of noise. Furthermore, FAA and NPS were defined to be cooperating agencies in the development of ATMPs by the NPATMA. Therefore, FAA would fail to meet its obligation under the Act if it does not respect the congressional-mandates to which the NPS must adhere.

Natural Quiet Standard

Air tour flights over the Badlands Park should be capped immediately until natural quiet standards have been developed for each park. An ATMP should be implemented within the guidelines provided by a natural quiet standard, a framework that provides a comprehensive understanding of sound in the park.

The collection of acoustical data is not sufficient in itself to provide guidance for the establishment of a natural quiet standard. Each park should provide an evaluation of the spectrum of sound as heard by the human ear in the park as related to resources and use. Without a basic understanding of the distribution of natural, cultural and historic resources within a park, and the sounds associated with them an ATMP should not be finalized. Sound data needs to be collected within each of the parks to create the natural quiet standard. Data should be collected on the biophony, geophony and antropphony to provide a

complete sound representation of the parks. Air tours should never result in the impairment of park resources and values, including the natural soundscape of each park.

Recommendations for Badlands National Park ATMPs

The Badlands National Park currently is operating under the Rapid City Flight Standards Office Air Tour Operation Plan, this plan identifies operating procedures and safety plans. It allows for twice yearly meetings with all parties (NPS, NFS, FAA, and air tour operators) to discuss any necessary flight adjustment problems or concerns. The plan is not enforceable by Federal law. The final ATMP should encompass the procedures and plans of the current Air Tour Operation Plan but also include the concepts outlined below.

Flight numbers over the Badlands National Park must be set at levels that will prevent impairment of the parks' natural and cultural resources.

Cap on Air Tours at Current Level - Until the data recommended to be collected above has been analyzed, natural quiet standards identified, and an ATMP finalized based on this information, air tour flights should be capped at their current level. This cap is precautionary in nature and decisions related to the volume of commercial flights should not be made in the absence of data.

Restored Quiet - Natural quiet should be restored to the Park for at least 75 percent of every day. A curfew should be imposed to ban flights for two hours after sunrise and for two hours before sunset each day. These are the prime viewing hours at day's beginning and end when park visitors should be allowed to experience the parks' quiet majesty

Wilderness - There should be absolutely no commercial air tours over wilderness. The Wilderness Act describes wilderness as...

“A wilderness, in contrast with those areas where man and his works dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammelled by man, ... an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitations, which is protected and managed so as to preserve its natural conditions and which generally appears to have been affected primarily by the forces of nature, with the imprint of mans work substantially unnoticeable; has outstanding opportunities for solitude or primitive and unconfined type of recreation...” (P.L.88-577).

The Act prohibits certain activities to protect the character of land described above. Specifically it prohibits commercial enterprise, roads, use of motor vehicles, motorized equipment, mechanical transport, structures, or installations. Hence commercial air tours over wilderness violate the very concept of wilderness itself and should be prohibited in the ATMPs.

Solitude is an intrinsic component of wilderness. The ability to avoid the sights, sounds and evidence of human action is critical to such an experience. It is the absence of distractions where a state of mind can emerge that is conducive to deep reflection and renewal. Natural quiet is essential to a wilderness experience.

Important Biological Zones – Badlands National Parks is an important refuge for a wide array of plant and wildlife. The sanctuary provided there must be protected. There is considerable data in the literature indicating the adverse impact of helicopter flights on wildlife. Therefore, there should be absolutely no commercial air tours over important biological zones. Habitat for threatened or endangered species should be protected. Breeding, nesting, resting and feeding grounds should receive comparable protection.

Deficient Proposed Action Description

The proposed federal action described in the scoping document is the development of an ATMP. This action is too vague to prevent impairment of park resources or develop viable alternatives. The action needs to specifically describe the goal or intended result in the air over the Park. Hence NPS should develop the standard for natural quiet and then describe the optimal management objectives to be met within that framework. Only when the public knows what the situation is in the Park and what the ultimate management objective for sound is in the Park can serious feedback be provided.

Once a natural quiet standard has been developed for the Badlands National Park and the sound management objective has been outlined an adaptive management scheme for reaching the goals should be developed. A goal of restored natural quiet outlined in such a scheme will require an iterative phase of monitoring and adjustments to guarantee its success.

Deficient Alternatives

The alternatives outlined in the draft ATMP for the Badlands National Park are deficient because a reasonable range of alternatives has not been outlined. NEPA requires a rigorous exploration and objective evaluation of all reasonable alternatives. Fundamentally, no specific action has been proposed in the scoping document. Therefore the alternatives proposed do not address an action. Basically, one alternative has been offered and that is one of mitigation. Two other alternatives: no action and no prohibitions, conditions, restrictions or limitations are essentially the same. Hence the mitigation alternative appears to be aimed at mitigating the status quo as opposed to providing a clear outline of alternatives that will protect the natural sound, natural resources and visitor experience.

Alternatives should be designed that outline plans to implement the natural quiet standard for the Park by providing flight corridors, time and elevation restrictions, no-fly zones, prohibitions and other methods of control where necessary.

Thank you for the opportunity to comment on this federal action.

Sincerely,

Susan H. Gunn, Ph.D.
Director National Parks Program